

**SUPREME COURT MINUTES
THURSDAY, NOVEMBER 6, 2008
SAN FRANCISCO, CALIFORNIA**

S155571 A112810 First Appellate District, Div. 2 **PEOPLE v. ARIAS (JOHN R.)**

Opinion filed: Judgment affirmed in full

Opinion by: Chin, J.

-----joined by: George, C. J., Kennard, Werdegarr, Moreno, and Corrigan, JJ.

Concurring opinion by: Baxter, J.

S166492

KLEINBERG ON

DISCIPLINE

Recommended discipline imposed

It is ordered that KENNETH JOHN KLEINBERG, State Bar No. 110732, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for five years subject to the conditions of probation, including restitution and 120 days' actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 7, 2008. If respondent is actually suspended for two years or more, he is to remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S166493

SCIMECA ON DISCIPLINE

Recommended discipline imposed

It is ordered that CONCETTA JOAN SCIMECA, State Bar No. 96147, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for 90 days and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of

California as recommended by the Hearing Department of the State Bar Court in its decision filed on June 18, 2008. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If respondent is actually suspended for two years or more, she must remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of her actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 9.20 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S166494**COATES ON DISCIPLINE**

Recommended discipline imposed

It is ordered that JOHN THOMAS COATES, State Bar No. 207175, be actually suspended for 60 days as recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed July 17, 2008. Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and one-third of said costs be paid with membership fees for the years 2010, 2011 and 2012. It is further ordered that if JOHN THOMAS COATES fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S166495**BROADY, JR., ON
DISCIPLINE**

Recommended discipline imposed

It is ordered that EARL CLIFFORD BROADY, JR., State Bar No. 33307, be suspended from the practice of law for two years and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject

to the conditions of probation, including one year actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 24, 2008. It is further ordered that EARL CLIFFORD BROADY, JR., comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S166497

**BUFFINGTON ON
DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that KATHRYN R. BUFFINGTON, State Bar No. 82565, be disbarred from the practice of law and that her name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

Fourth Appellate District, Div. 2

TRANSFER ORDERS

The following matters, now pending in the Court of Appeal, Fourth Appellate District, are transferred from Division Two to Division Three:

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| 1. | E046215 | People v. Joseph Patterson |
| 2. | E045726 | People v. Samuel Benitez |
| 3. | E045265 | People v. Rafael Pacheco |
| 4. | E046243 | People v. Linda Reszetylo |
| 5. | E046052 | People v. Tyree Mitchell |
| 6. | E045963 | People v. Mario Marquez et al. |
| 7. | E046120 | People v. Dennis Decker |
| 8. | E046275 | People v. Sidikiba Greenwood et al. |